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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 KAREN EKLUND,

16 Defendants.

No. CR 05-00650 MJJ

STIPULATION AND ~~PROPOSED~~  
PROTECTIVE ORDER RE: DISCOVERY  
OF PERSONAL AND FINANCIAL  
INFORMATION

OAKLAND VENUE

18 With the agreement of the parties, and with the consent of the defendant, the Court enters  
19 the following order:

20 Defendant Karen Eklund is charged with one count of aggravated identity theft, in  
21 violation of 18 U.S.C. §1028A; and two counts of access device fraud, in violation of 18 U.S.C.  
22 §1029. Upon request, the United States will produce to counsel for the defendant discovery that  
23 contains personal identifying information, including social security numbers, birth dates and  
24 driver's license numbers, and private financial information, including account numbers and  
25 locations, pertaining to the victims in this case. Pursuant to Federal Rule of Criminal Procedure  
26 16, the government requests that disclosure of these materials be subject to the following  
27 restrictions:

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PROTECTIVE ORDER  
[CR 05-00650 MJJ]

E-filing

FILED  
JAN 05 2006

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1           1.       Except when being actively examined for the purpose of the preparation of the  
2 defense of defendant Karen Eklund, the documents containing personal identifying and private  
3 financial information of third parties produced by the government to defense counsel shall be  
4 maintained in a locked, safe, and secure drawer, cabinet, or safe which is accessible only to  
5 defense counsel, members of his or her law firm who are working with him or her to prepare the  
6 defendant's defense, and his or her investigator. Defense counsel, members of his or her law  
7 firm, the defendant, and the investigator shall not permit any person access of any kind to the  
8 documents or disclose in any manner the personal identifying and private financial information  
9 of third parties except as set forth below.

10           2.       The following individuals may examine the documents and information related to  
11 the personal identifying and private financial information of third parties for the sole purpose of  
12 preparing the defense of defendant Karen Eklund and for no other purpose:

- 13                   a)       Counsel for defendant;  
14                   b)       Members of the counsel for the defendant's law office who are assisting  
15                               with the preparation of Karen Eklund's defense;  
16                   c)       Defendant Karen Eklund, but only in the presence of defense counsel or  
17                               another authorized person listed in this paragraph;  
18                   d)       Investigators retained by the defendant to assist in the defense of this  
19                               matter.

20 If defense counsel determines that additional persons are needed to review the material, he or she  
21 must obtain a further order of the Court before allowing any other individual to review the  
22 material.

23           3.       A copy of this order shall be maintained with the documents at all times.

24           4.       All individuals other than defense counsel and the defendant who receive access  
25 to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy  
26 of this Order acknowledging that

- 27                   a)       they have reviewed the Order;  
28                   b)       they understand its contents;

- 1 c) they agree that they will only access the documents and information for the  
2 purposes of preparing a defense for defendant Karen Eklund;  
3 d) they understand that failure to abide by this Order may result in sanctions  
4 by this Court.

5 Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal.  
6 The government shall have no access to these signed copies without further order of the District  
7 Court.

8 5. No other person may be allowed to examine the material without further court  
9 order. Examination of the documents shall be done in a secure environment which will not  
10 expose the materials to other individuals not listed above.

11 6. Documents such as word processing files, e-mails, and other text files may be  
12 duplicated to the extent necessary to prepare the defense of this matter.

13 7. Any pleadings that reveal the personal identifying or private financial information  
14 of third parties, either by attaching copies of documents containing that information or  
15 referencing that information, shall be redacted to prevent the disclosure of such information or  
16 filed under seal.

17 8. Within five court days of the judgement and sentencing hearing in this matter, all  
18 material provided to defense counsel pursuant to this Order, and all other authorized copies, if  
19 any, shall be returned to the Government. The Government shall destroy them. If defendant

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1 believes that she must maintain the material for any reason related to appeal, defendant must seek  
2 authorization from the District Court within five days of the sentencing and judgement in this  
3 matter.

4  
5 STIPULATED:

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7 DATED: 12-29-05


\_\_\_\_\_/s/\_\_\_\_\_  
Attorney for Defendant Eklund

9  
10 DATED: 01-01-06

\_\_\_\_\_/s/\_\_\_\_\_  
KIRSTIN M. AULT  
Assistant United States Attorney

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12  
13 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be  
14 restricted as set forth above.

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16 DATED: 1/6/2005

  
MARTIN J. JENKINS  
United States District Judge